

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRITTANY MARTELL,

Defendant.

**CR-17-61-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 21, 2021. (Doc. 105.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 21, 2021. (Doc. 100.) The United States accused Martell of violating her conditions of supervised release 1) by failing to notify her probation officer of a change in

residence; 2) by having contact with people engaged in criminal activity; 3) by failing to report for substance abuse treatment; and 4) by using methamphetamine and amphetamine. (Doc. 99.)

At the revocation hearing, Martell admitted to violating the conditions of her supervised release 1) by failing to notify her probation officer of a change in residence; 2) by having contact with people engaged in criminal activity; 3) by failing to report for substance abuse treatment; and 4) by using methamphetamine and amphetamine. (Doc.100.) Judge Johnston found that the violations Martell admitted proved to be serious and warranted revocation, and recommended that Martell receive a custodial sentence of time served with 10 months of supervised release to follow, with the first 60 days of supervised release in home confinement. (Doc. 105.) Martell was advised of her right to appeal and her right to allocute before the undersigned. She waived those rights. (Doc. 100.) The violations prove serious and warrant revocation of Martell's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 105) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Brittany Martell be sentenced to the custody of the United States Bureau of Prisons for time served, with 10 months of supervised release to follow with the first 60 days of supervised release to home confinement.

During this 60-day period, Martell will be restricted to her residence at all times, except for activities pre-approved by her probation officer.

DATED this 23rd day of September, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

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Brian Morris, Chief District Judge  
United States District Court